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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,736	01/09/2004	Gidcon Roberts	1578.614	1187

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RESEARCH IN MOTION, LTD
102 DECKER CT.
SUITE 180
IRVING, TX 75062

EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/754,736		ROBERTS ET AL.	
	Examiner		Art Unit	
	Muthuswamy G. Manoharan		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites, "implemented by a receiving device at a deferred time". Since **implementation takes finite time** it is not clear how the implementation has been performed at any instant (starting time = ending time).

Correction or clarification is required.

Claim Rejections – 35USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The independent claim 16 with the preamble directed to an abstract idea. Also, the claim merely lists the steps that could be used to represent novelty of the invention and does not produce any tangible result and could be considered as providing non-

descriptive material, therefore the claim is directed solely to non-functional data, which is non-statutory subject matter. See MPEP 52106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Diachina et al. (hereinafter Diachina) (US 6252868).

Regarding claim 1, Diachina teaches a method for broadcasting system ("once the mobile has read the BCCH information, col. 10, line 38) information changes in a mobile telecommunications system 9, the system comprising a network of a plurality of cells and at least one user equipment device, the method comprising, in the network: sending a first message indicating notification of a system information change and sending a repeat of the notification of a system information change ("cell reselection", Col. 10, line 59-60; "mobile station to read overhead messages when locking onto the FOCC and thereafter only when the information has changed", Col. 7, lines 33-34; "change flags indicating that the system has changed the E-BCCH information", col. 11, lines 21-23), characterized by sending a repeat of the notification of the system information change in a transmission timing interval (TTI) that occurs before the system

change is to be implemented ("if the mobile station properly receives a paging message sent in its PCH slot in a super frame, the mobile can sleep through the entire associated secondary super frame", Col. 10, lines 41-45; "primary super frame of a hyper frame is repeated in the secondary super frame of that hyper frame", Col. 10, lines 35-36; Col. 10, lines 59-65).

Claims 1,2,4-6, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiberg et al. (hereinafter Wiberg) (US 6628946).

Regarding **claim 1**, Diachina teaches a method for broadcasting system ("broadcasts", col. 3, line 29) information changes in a mobile telecommunications system 9, the system comprising a network of a plurality of cells and at least one user equipment device, the method comprising, in the network ("valid tag values", Col. 3, line 35):

 sending a first message indicating notification of a system information change and sending a repeat of the notification of a system information change ("value tag", col. 8, lines 35-40; "repetition interval", Col. 16, line 63), characterized by sending a repeat of the notification of the system information change in a transmission timing interval (TTI) that occurs before the system change is to be implemented (Col. 16, lines 12-65).

Regarding **claim 2**, Wiberg teaches a method further comprising, when the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a deferred time, sending the repeat of the notification of a system information change at a time relative to the deferred time (Col. 13, lines 55-63).

Regarding **claim 4**, Wiberg teaches a method wherein the time is equal or less than 50 seconds before the deferred time (Col. 16, lines 13-65).

Claims 5 and 6 are rejected for the same reason as set forth in claim 4.

Regarding **claim 10**, Wiberg teaches a method wherein the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a deferred time, sending the repeat of the notification of a system information change at a time relative to the deferred time (Col. 13, lines 55-63).

Regarding **claim 11**, Wiberg teaches a method wherein the method further comprising sending a plurality of repeats of the notification of a system information change ("high repetition rate", Col. 12, lines 50-55).

Regarding **claim 12**, Wiberg teaches a method wherein the repeats of the notification of a system information change are sent at regular intervals ("predefined repetition rate" that means the repetition is at regular interval, Col. 12, line 54)

Regarding **claim 13**, Wiberg teaches a method according to claim 1 wherein repeat of the notification of a system information change is sent in a SYSTEM INFORMATION CHANGE INDICATION message transmitted on a broadcast control channel ("title", Abstract, "valid tag values").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-14, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946).

Regarding **claim 2**, Diachina teaches all the particulars of the claim except a method according to claim 1 further comprising, when the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a deferred time, sending the repeat of the notification of a system information change at a time relative to the deferred time. However, Wiberg teaches in an analogous art wherein the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a deferred time, sending the repeat of the notification of a system information

change at a time relative to the deferred time (Col. 13, lines 55-63). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method the notification of a system information change indicates that the system information change is to be implemented by a receiving device at a deferred time, sending the repeat of the notification of a system information change at a time relative to the deferred time. This modification helps the mobile unit to plan ahead so that the system changes can be implemented.

Regarding **claim 3**, Diachina in view of Wiberg teaches a method according to claim 2. Diachina did not teach specifically a system information change excludes an indication that the system information change is to be implemented by a receiving device at a deferred time (Since no indication to include the system information change is to be implemented by a receiving device at a deferred time, it is inherent that the above limitation is taught by Diachina).

Regarding **claim 4**, Diachina in view of Wiberg teaches a method according to claim 2. Diachina did not teach specifically a method according to claim 2 wherein the time is equal or less than 50 seconds before the deferred time. However, Wiberg teaches in an analogous art wherein the time is equal or less than 50 seconds before the deferred time (Col. 16, lines 13-65). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the time is equal or less than 50 seconds before the deferred time. This modification is clearly a

design choice and depends on the type of updates required. Applicant has not provided any evidence why the particular selection is critical to the invention.

Claims 5 and 6 are rejected for the same reason as set forth in claim 4.

Regarding **claim 10**, Diachina teaches all the particulars of the claim except a method according to claim 2 wherein the repeat of the notification of system information change is sent at a time that precedes the deferred time. However, Wiberg teaches in an analogous art wherein the repeat of the notification of system information change is sent at a time that precedes the deferred time (Col. 16, lines 43-65). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention use the repeat of the notification of system information change is sent at a time that precedes the deferred time so that mobile station could update the system information.

Regarding **claim 11**, Diachina teaches all the particulars of the claim except the method further comprising sending a plurality of repeats of the notification of a system information change. However, Wiberg teaches in an analogous art wherein the method further comprising sending a plurality of repeats of the notification of a system information change ("high repetition rate", Col. 12, lines 50-55). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method further comprising sending a plurality of repeats of the notification of a system information change in order to improve the reliability in communicating the information.

Regarding **claim 12**, Diachina teaches a method wherein the repeats of the notification of a system information change are sent at regular intervals (Col. 10, lines 34-48; The repeat of information is specified at the same location in both the super frames and therefore, no need to inform when the next repeat information will be transmitted. Further, Wiberg also teaches, "predefined repetition rate (Col. 12, line 54)" that means the repetition is at regular interval.)

Regarding **claim 13**, Diachina teaches a method according to claim 1 wherein repeat of the notification of a system information change is sent in a SYSTEM INFORMATION CHANGE INDICATION message transmitted on a broadcast control channel ("change flags", Col. 9, lines 63-67, Col. 10, lines 1-10).

Regarding **claim 14**, Diachina teaches a method according to claim 13 wherein the repeat of the notification of a system information change is sent in an Information Element "BCCH modification info" contained in a SYSTEM INFORMATION CHANGE INDICATION message ("change flags", Col. 9, lines 63-67, Col. 10, lines 1-10).

Claims 15-17 are rejected for the same reason as set forth in claims 1-14.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946) and further in view of Iersel et al. (hereinafter Iersel) (US 6327468).

Regarding **claims 7 and 8**, Diachina in view of Wiberg teaches all the particulars of the claim except a method wherein the time is equal or less than 100 milliseconds

before the deferred time. However, Iersel teaches in an analogous art wherein a method wherein the time is equal or less than 100 (10) milliseconds before the deferred time (Col. 6, lines 1-16).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina (US 6252868) in view over (Wiberg (US 6628946) and further in view of Prila (US 2001/0053684).

Regarding **claim 9**, Diachina in view of Wiberg teaches all the particulars of the claim except a method according to claim 2 wherein the time is equal or less than 5 hours before the deferred time. However, Pirila teaches in an analogous art wherein the time is equal or less than 5 hours before the deferred time (Paragraph [0023]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method wherein the time is equal or less than 5 hours before the deferred time. This modification is clearly a design choice and is dependent on the type of system information update.

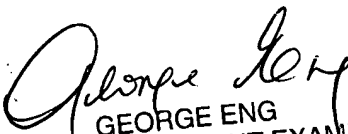
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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